

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE INTEREST OF

**Order for Temporary
Physical Custody**

- ☐ Secure
☐ Nonsecure

Name

Case No. _____

Date of Birth

A request for temporary physical custody was filed with the court.

A hearing for temporary physical custody was held on (Date) _____, which is the effective date of this order.

THE COURT FINDS:

The child/juvenile is in the jurisdiction of this court

- ☐ delinquency (statutes): _____ or
☐ JIPS (statutes): _____ or
☐ CHIPS (statutes): _____ and probable cause exists to believe that the
- ☐ 1. Child/juvenile will commit injury to person or property of others.
 - ☐ 2. Child/juvenile will ☐ cause injury to self. ☐ be subject to injury by others.
 - ☐ 3. Parent(s), guardian, legal custodian or other responsible adult is
☐ neglecting ☐ refusing ☐ unable ☐ unavailable to provide adequate supervision and care.
 - ☐ 4. Child/juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.
 - ☐ 5. Child/juvenile is not subject to the federal Indian Child Welfare Act.
(If the child/juvenile is subject to the Indian Child Welfare Act, use the Indian Child Welfare Act version (IW-1711) of this order.)
 - ☐ 6. Parent(s) has relinquished custody of the child/juvenile.

For secure custody, the court further finds that probable cause exists to believe:

- ☐ 1. The child/juvenile has committed a delinquent act and there is a substantial risk of
☐ physical harm to another. ☐ running away.
- ☐ 2. The child/juvenile is a ☐ fugitive from another state ☐ runaway from a juvenile correctional facility, and there was no reasonable opportunity to return the child/juvenile.
- ☐ 3. A protective order was issued and the child/juvenile consents in writing to the custody.
- ☐ 4. The child/juvenile ran away or committed a delinquent act while in nonsecure custody and no other suitable alternative exists.
- ☐ 5. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run away from nonsecure custody.
- ☐ 6. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

For secure custody in a jail, the court further finds:

- ☐ 1. No other juvenile detention facility approved by DOC or the county is available.
- ☐ 2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

For all custody outside of the home, the court further finds:

1. Continuation of residence in the home at this time ☐ is ☐ is not contrary to the child's/juvenile's welfare.

2. Reasonable efforts to prevent removal and return child/juvenile safely home were *(Complete one of the following.)*
- ☐ made by the department or agency responsible for providing services.

☐ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home.

☐ not required under §48.355(2d) and §938.355(2d).

☐ required, but good cause was shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until (Date – Not to exceed 5 days) _____.

☐ required, but the department or agency responsible for providing services failed to make reasonable efforts.

3. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were

- ☐ made.
- ☐ not required because the child/juvenile does not have siblings in out-of-home care.
- ☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

4. As to the department or agency recommendation:

☐ a. The placement location recommended by the department or agency is adopted.

OR

☐ b. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.

- ☐ 5. The ☐ mother ☐ father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

THE COURT ORDERS:

1. The child/juvenile is held in custody:

☐ a. In-home at: _____.

☐ b. Out-of-home at: _____

and into the placement and care responsibility of the

- ☐ _____ county department, which has primary responsibility for providing services.
- ☐ Department of Children and Families, which has primary responsibility for providing services.
- ☐ Bureau of Milwaukee Child Welfare, which has primary responsibility for providing services.

- ☐ 2. The child/juvenile has siblings in out-of-home care and the child/juvenile is not placed with those siblings.
- ☐ The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
- ☐ The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
- ☐ 3. This is an out-of-home placement and the department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2. to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
- ☐ 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.
- ☐ 5. Other conditions of custody _____
- ☐ 6. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
- ☐ \$ _____.
- ☐ to be determined by (Agency) _____.
7. Transportation to the placement and any return to court shall be provided by _____
8. The next hearing date is _____ at _____ ☐ a.m. ☐ p.m.
- ☐ 9. The petition for temporary physical custody is denied.
10. Other: _____

Name and Address of Placement:

BY THE COURT:

DISTRIBUTION:

1. Original - Court
2. Placement Facility
3. Child/Juvenile/Parents/Attorneys
4. Social Worker/Intake Worker

Circuit Court Judge/Circuit Court Commissioner

Name Printed or Typed

Date